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Ciba Specialty Chemicals Corporation  
North America

Corporate  
Remediation Services

  
Ciba

## Fax

To <i>Catherine Smith</i>		Company <i>USEPA</i>	
Fax No. <i>617-918-1809</i>	Tel. No.	Location	Country
From <i>Rachel Deming</i>		Location <i>Toms River</i>	File reference
Fax No. <i>732-914-2909</i>	Tel. No. <i>732-914</i>	Date <i>3-1-99</i>	No. of pages <i>34</i>

Superfund Records Center  
SITE: *Ciba-Geigy*  
BREAK: *19.00*  
OTHER: *638025*

Oak Ridge Parkway  
P.O. Box 71  
Toms River, New Jersey 08754-0071  
Tel. 732-914-2552



SEMS DocID 638025

OPTIONAL FORM NO. 10 (7-90)

## FAX TRANSMITTAL

# of pages 2

To Rachel Deming	From Camille Smith
Dept. Agency	Phone # 617-918-1777
Fax # 914 485-4831	Fax # 617 918-1809
NSN 7540-01-217-7000	2000-101 GENERAL SERVICES ADMINISTRATION

**DRAFT**

February \_\_, 1999

Rachel E. Deming, Esq.  
 Environmental Remediation Counsel  
 Legal Department  
 Ciba Specialty Chemicals Corporation  
 560 White Plains Road  
 Tarrytown, New York 10591

**DRAFT**

Dear Ms. Deming:

This letter responds to your request for a "comfort letter" to facilitate the sale of a portion of the Ciba Specialty Chemicals RCRA Corrective Action Site ("Ciba Site") in Cranston, Rhode Island. My response is based on the facts presently known to the United States Environmental Protection Agency ("EPA") and is provided solely for informational purposes.

As I understand it, the prospective purchaser is concerned about its potential liability under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6901 et seq., for cleaning up the portions of the site that the prospective purchaser is not buying (hereinafter referred to as "the Remaining Portions"). I further understand that the purchaser's operations will not involve the generation, storage, treatment or disposal of hazardous materials and that the prospective purchaser has agreed to help Ciba clean up the parcel of land that it is buying. *It is proposed insert*

Please be advised that your prospective purchaser would not incur RCRA liability for cleanup of the Remaining Portions unless the purchaser a) directly contaminated the Remaining Portions; or b) caused the migration of hazardous constituents from its newly-acquired land to the Remaining Portions.

As for the prospective purchaser's liability for cleaning up the Remaining Portions under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 et seq., please be advised that the Ciba Site was listed on the Superfund program inventory of known and suspected hazardous waste disposal sites (the CERCLIS database). EPA has archived the Ciba Site from the CERCLIS inventory because Ciba Specialty Chemicals Co. is cleaning up the Site under RCRA corrective action authorities. Therefore, EPA anticipates no need to take additional Superfund enforcement, investigatory, cost recovery, or cleanup action at this archived site unless EPA receives new information warranting further Superfund consideration or discovers conditions not previously known to EPA. EPA will maintain a dialogue with the State of Rhode Island and will continue to refer archived sites to the states for their review.

and consideration. The state contact for the Ciba site is Doris Aschman (401) 222-2797 x7136, and for information on archived sites contact Terrence Gray (401) 222-3872 x7100. The address for both is RI Department of Environmental Management, Office of Waste Management, 235 Promenade Street, Providence, RI 02908.

I hope that this letter responds to your concerns. If you have any additional questions or wish to discuss this information, please feel free to contact Catherine Smith at (627) 918-1777.

Sincerely,

Pat L. Meaney  
Director, Office of Site  
Remediation and Restoration

cc: Terrence Gray, RI DEM  
Doris Aschman, RI DEM  
Catherine Smith, EPA  
Frank Battaglia, EPA  
Audrey Zucker, EPA

**Proposed Insert:**

**Acknowledges that it is aware that the property has been investigated as part of a RCRA Facility Investigation and that it has performed its own due diligence on the environmental condition of the parcel it is purchasing. The prospective purchaser understands that it may be held liable, along with Seller and any other previous owners and operators, for environmental conditions that exist on the parcel being purchased.**